

PACT COOPERATION TREATY

PCT

NOTIFICATION OF ELECTION

(PCT Rule 61.2)

From the INTERNATIONAL BUREAU

To:

Commissioner
 US Department of Commerce
 United States Patent and Trademark
 Office, PCT
 2011 South Clark Place Room
 CP2/5C24
 Arlington, VA 22202
 ETATS-UNIS D'AMERIQUE
 in its capacity as elected Office

Date of mailing (day/month/year) 06 March 2001 (06.03.01)	
International application No. PCT/EP00/06612	Applicant's or agent's file reference 6506/WO
International filing date (day/month/year) 06 July 2000 (06.07.00)	Priority date (day/month/year) 08 July 1999 (08.07.99)
Applicant FARNSWORTH, John, T. et al	

1. The designated Office is hereby notified of its election made:

☒ in the demand filed with the International Preliminary Examining Authority on:

14 December 2000 (14.12.00)

☐ in a notice effecting later election filed with the International Bureau on:
2. The election ☒ was
☐ was not

made before the expiration of 19 months from the priority date or, where Rule 32 applies, within the time limit under Rule 32.2(b).

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No.: (41-22) 740.14.35	Authorized officer R. E. Stoffel Telephone No.: (41-22) 338.83.38
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From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

To:

ASHBY, Kevin
SOCIETE DES PRODUITS NESTLE S.A.
Case Postale 353
CH-1800 Vevey
SUISSE

15 OCT. 2001

PCT

NOTIFICATION OF TRANSMITTAL OF
THE INTERNATIONAL PRELIMINARY
EXAMINATION REPORT

(PCT Rule 71.1)

Date of mailing
(day/month/year)

11.10.2001

Applicant's or agent's file reference
NO 6506/WO

IMPORTANT NOTIFICATION

International application No.
PCT/EP00/06612

International filing date (day/month/year)
06/07/2000

Priority date (day/month/year)
08/07/1999

Applicant

SOCIETE DES PRODUITS NESTLE S.A. et al.

1. The applicant is hereby notified that this International Preliminary Examining Authority transmits herewith the international preliminary examination report and its annexes, if any, established on the international application.
2. A copy of the report and its annexes, if any, is being transmitted to the International Bureau for communication to all the elected Offices.
3. Where required by any of the elected Offices, the International Bureau will prepare an English translation of the report (but not of any annexes) and will transmit such translation to those Offices.

4. REMINDER

The applicant must enter the national phase before each elected Office by performing certain acts (filing translations and paying national fees) within 30 months from the priority date (or later in some Offices) (Article 39(1)) (see also the reminder sent by the International Bureau with Form PCT/IB/301).

Where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report. It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned.

For further details on the applicable time limits and requirements of the elected Offices, see Volume II of the PCT Applicant's Guide.

Name and mailing address of the IPEA/



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Authorized officer

Di Salvo, F

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PATENT COOPERATION TREATY

PCT

10/030567

REC'D 15 OCT 2001

WIPO PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference NO 6506/WO	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/EP00/06612	International filing date (day/month/year) 06/07/2000	Priority date (day/month/year) 08/07/1999
International Patent Classification (IPC) or national classification and IPC B29B9/06		
Applicant SOCIETE DES PRODUITS NESTLE S.A. et al.		



- This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
- This REPORT consists of a total of 6 sheets, including this cover sheet.

☒ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

 These annexes consist of a total of 11 sheets.

- This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☒ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 14/12/2000	Date of completion of this report 11.10.2001
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized officer Lorente Munoz, N Telephone No. +49 89 2399 2989 

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. PCT/EP00/06612

I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

Description, pages:

1-7 as received on 07/09/2001 with letter of 05/09/2001

Claims, No.:

1-16 as received on 07/09/2001 with letter of 05/09/2001

Drawings, sheets:

1/4,2/4,4/4 as originally filed

3/4 as received on 07/09/2001 with letter of 05/09/2001

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
☐ the language of publication of the international application (under Rule 48.3(b)).
☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority in written form.
☐ furnished subsequently to this Authority in computer readable form.
☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. PCT/EP00/06612

- ☐ the description, pages:
☐ the claims, Nos.:
☐ the drawings, sheets:

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)):

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes:	Claims	1-16
	No:	Claims	
Inventive step (IS)	Yes:	Claims	1-13,16
	No:	Claims	14,15
Industrial applicability (IA)	Yes:	Claims	1-16
	No:	Claims	

2. Citations and explanations
see separate sheet

VII. Certain defects in the international application

The following defects in the form or contents of the international application have been noted:
see separate sheet

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT - SEPARATE SHEET**

International application No. PCT/EP00/06612

Reference is made to the following document:

D1: US-A-5 525 052

Re Item V

Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

- 1.) The application relates to extrusion apparatus which includes a die plate through which extrudate is received and shaped, the extrudate being severed into discrete pieces as it emerges from the die plate by a cutter assembly having a blade that is rotated into the path of movement of the extrudate.
- 2.) The document D1 is regarded as the closest prior art to the subject-matter of claims 1, 6 and 14.
- 3.) The subject-matter of claim 1 differs from the closest prior art D1 in having second coupling means for coupling the die plate on a second side thereof to the cutter assembly; a fluid inlet passage for receiving fluid into the die plate for delivery to said cutter assembly in use and a fluid outlet passage for receiving fluid from the cutter assembly for discharge from the die plate.

The subject-matter of claim 1 is therefore novel (Article 33(2) PCT).

The solution to this problem disclosed in claim 1 of the present application is neither known nor suggested by the available prior art and would not be obvious for the skilled person.

Therefore, the subject-matter of claim 1 meets the requirements of Article 33(3) PCT.

- 4.) Claims 2 to 5 depend on claim 1 and as such also meet the requirements of the PCT with respect to novelty and inventive step.

- 5.) The subject-matter of claim 6 differs from the closest prior art D1 in the same features disclosed in the characterizing part of claim 1 and in that the fluid-driven motor is coupled to the second side of the die plate and is adapted to receive motor-driving fluid from the fluid inlet passage and to discharge the fluid into the fluid outlet passage.

The subject-matter of claim 6 is therefore novel (Article 33(2) PCT).

The solution to this problem disclosed in claim 6 of the present application is neither known nor suggested by the available prior art and would not be obvious for the skilled person.

Therefore, the subject-matter of claim 6 meets the requirements of Article 33(3) PCT.

- 6.) Claims 7 to 13 depend on claim 6 and as such also meet the requirements of the PCT with respect to novelty and inventive step.
- 7.) The subject-matter of claim 14 differs from the closest prior art D1 in having mounting means for mounting the blade to the housing.

This feature is merely one of several straightforward possibilities from which the skilled person would select, in accordance with circumstances, without the exercise of inventive skill, in order to solve the problem posed. Furthermore, the Applicant already states in the description (see last paragraph on page 7) that a modification of the manner of mounting the cutter blades to the cutter assembly would be immediately apparent for the skilled person, for instance to replace a single cutting plate by a plurality of cutting blades, as in document D1.

Thus, the subject-matter of claim 14 cannot be considered as involving an inventive step (Article 33(3) PCT).

- 8.) In view of document D1 (see e.g. figure 1), the additional features set out in dependent claim 15 are also already known and therefore the subject-matter of claim 15 does not involve an inventive step in the sense of Article 33(3) PCT.

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT - SEPARATE SHEET**

International application No. PCT/EP00/06612

- 9.) The combination of the features of dependent claim 16 is neither known from, nor rendered obvious by, the available prior art.
- 10.) Claims 1 to 16 also meet the requirements of the PCT with respect to the industrial applicability (Article 33(4) PCT).

Re Item VII

Certain defects in the international application

The reference to the figures 4 and 6 on page 6, line 6 is not correct.

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INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference 6506/WO	FOR FURTHER ACTION see Notification of Transmittal of International Search Report (Form PCT/ISA/220) as well as, where applicable, item 5 below.	
International application No. PCT/EP 00/06612	International filing date (day/month/year) 06/07/2000	(Earliest) Priority Date (day/month/year) 08/07/1999
Applicant SOCIETE DES PRODUITS NESTLE S.A.		

This International Search Report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This International Search Report consists of a total of 3 sheets.

☒ It is also accompanied by a copy of each prior art document cited in this report.

1. Basis of the report

a. With regard to the **language**, the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ the international search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)).

b. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international search was carried out on the basis of the sequence listing:

☐ contained in the international application in written form.

☐ filed together with the international application in computer readable form.

☐ furnished subsequently to this Authority in written form.

☐ furnished subsequently to this Authority in computer readable form.

☐ the statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.

☐ the statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished

2. ☐ **Certain claims were found unsearchable** (See Box I).

3. ☐ **Unity of Invention is lacking** (see Box II).

4. With regard to the **title**,

☒ the text is approved as submitted by the applicant.

☐ the text has been established by this Authority to read as follows:

5. With regard to the **abstract**,

☒ the text is approved as submitted by the applicant.

☐ the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box III. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. The figure of the **drawings** to be published with the abstract is Figure No.

☒ as suggested by the applicant.

☐ because the applicant failed to suggest a figure.

☐ because this figure better characterizes the invention.

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☐ None of the figures.

INTERNATIONAL SEARCH REPORT

International Application No

PCT/EP 00/06612

A. CLASSIFICATION OF SUBJECT MATTER

IPC 7 B29B9/06 A21C11/10 A21C11/16

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

IPC 7 B29B A21C B29C

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

EPO-Internal, WPI Data, PAJ

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	US 5 525 052 A (CZARNETZKI ROBERT ET AL) 11 June 1996 (1996-06-11) figures column 2, line 53 - line 64 column 4, line 9 - line 22 ----	1,6-8, 10,14-16
A	GB 1 139 212 A (HENRY HOBHOUSE) 8 January 1969 (1969-01-08) page 2, line 99 - line 108; figures ----	1,6-8, 10,14-16
A	DE 40 36 196 A (REINECKE GMBH H) 21 May 1992 (1992-05-21) claims; figures ----- -/-	1-6

☒ Further documents are listed in the continuation of box C.☒ Patent family members are listed in annex.

* Special categories of cited documents :

- *A* document defining the general state of the art which is not considered to be of particular relevance
- *E* earlier document but published on or after the international filing date
- *L* document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- *O* document referring to an oral disclosure, use, exhibition or other means
- *P* document published prior to the international filing date but later than the priority date claimed

T later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

- *X* document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
- *Y* document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.

& document member of the same patent family

Date of the actual completion of the international search

13 October 2000

Date of mailing of the international search report

20/10/2000

Name and mailing address of the ISA

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Authorized officer

Jensen, K

INTERNATIONAL SEARCH REPORT

International Application No

PCT/EP 00/06612

C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT		
Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	PATENT ABSTRACTS OF JAPAN vol. 1996, no. 12, 26 December 1996 (1996-12-26) & JP 08 216150 A (ASAHI CHEM IND CO LTD), 27 August 1996 (1996-08-27) abstract ---	1,6,7,14
A	PATENT ABSTRACTS OF JAPAN vol. 017, no. 576 (M-1499), 20 October 1993 (1993-10-20) & JP 05 169442 A (FUJIKURA LTD), 9 July 1993 (1993-07-09) abstract ---	1,6,14
A	US 5 641 529 A (KUNAS KURT T) 24 June 1997 (1997-06-24) cited in the application the whole document -----	1

INTERNATIONAL SEARCH REPORT

Information on patent family members

International Application No

PCT/EP 00/06612

Patent document cited in search report	Publication date	Patent family member(s)	Publication date
US 5525052 A	11-06-1996	DE 4306014 C AT 159866 T CA 2116271 A,C CN 1097685 A DE 4422248 C DE 9321486 U DE 59404493 D EP 0612559 A ES 2108889 T JP 2563756 B JP 6319430 A RU 2091228 C	03-02-1994 15-11-1997 27-08-1994 25-01-1995 24-08-1995 30-07-1998 11-12-1997 31-08-1994 01-01-1998 18-12-1996 22-11-1994 27-09-1997
GB 1139212 A		NONE	
DE 4036196 A	21-05-1992	NONE	
JP 08216150 A	27-08-1996	NONE	
JP 05169442 A	09-07-1993	JP 2641158 B	13-08-1997
US 5641529 A	24-06-1997	AU 5421996 A CA 2199397 A WO 9628034 A	02-10-1996 19-09-1996 19-09-1996